



# HOUSE OF REPRESENTATIVES

HB 2159

ASRS; rulemaking exemption

Prime Sponsor: Representative Thorpe, LD 6

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**DP** Committee on Government and Higher Education

**DP** Caucus and COW

**X** As Transmitted to the Governor

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## **OVERVIEW**

HB 2159 provides the Arizona State Retirement System (ASRS) and the ASRS Board (Board) an exemption from rulemaking, with exceptions.

## **PROVISIONS**

1. Exempts ASRS and the Board from rulemaking for actuarial assumptions and calculations, investment strategy and decisions and accounting methodology, except that these decisions are subject to the Uniform Administrative Hearing Procedures.
2. Contains a retroactive effective date of January 1, 1987.
3. Includes a purpose statement.
4. Makes technical and conforming changes.

## **CURRENT LAW**

The primary purpose of rulemaking is to give notice to the public of the substantive or procedural requirements that an agency has established for activities falling within its statutory authority. An agency may make rules only if the Legislature has given it authority to do so. Unless exempt from the rulemaking procedures, a rule is valid only if it is made in substantial compliance with Administrative Procedures Act or other statutory procedures applicable to the agency.

Under the Uniform Administrative Hearing Procedures an agency is required to serve notice of an appealable agency action or contested case. The notice must: 1) identify the statute or rule that is alleged to have been violated or on which the action is based; 2) identify with reasonable particularity the nature of any alleged violation; and 3) include a description of the party's right to request a hearing on the appealable agency action or contested case and an informal settlement conference.